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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,988	11/30/2001	Roberto Resta	35312/GM/lp	4689

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT PAPER NUMBER

3765

DATE MAILED: 11/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,988

Applicant(s)

RESTA, ROBERTO

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

CLAIMS

Summary

Claim 1 is the independent claim under consideration in this Office Action.

Claims 2-11 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Gustavsson (4,491,079).

Gustavsson teaches an apparatus for finishing a piece cut from a length of textile material unwound from a roll. Gustavsson teaches advancement means 12, 13 and 14 for pulling material 11 off a source and presenting this to a downstream cutter 23 for cutting. The cutter includes a rotary blade, which is supported by a means and is movable across the material for cutting perpendicular to the feed direction of the material (column 4, lines 22-23). A positioning means 26 which is movable first to grasp the leading edge of the material from clamp 14 and pulling this toward and position it where a sewing machine sews a hem onto this leading edge (column 5, lines 18-25). The positioning means is pivotable/rotatable for presenting the right amount of material

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to the sewing machine and placing the folded material in the path of the sewing machine. Thereafter, the advancement means moves the rest of the material so as to form a trailing end, which the cutter cuts, and this procedure prepares another blank for the hemming process by forming another leading edge.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustavsson in view of Resta (5,913,277).

Gustavsson discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Gustavsson teaches an apparatus for finishing a piece cut from a length of textile material. Gustavsson teaches advancement means, cutting means, positioning means and sewing means for hemming the material. The cutter of Gustavsson is taught as being rotatable and movable across the material for forming a cut perpendicularly to the feed direction of the material. However, Gustavsson does not specifically suggest that the cutter comprises a cutter driven by a motor and movable on a carriage.

Resta teaches an apparatus for cutting and hemming a material coming off a roll. Resta teaches the apparatus as including an advancement means 134, a cutter 50 (figure 4) and a sewing machine 43. Resta teaches the cutter comprising a rotary cutter 50, which is driven by a motor (at the back end of the sewing machine) and is movable across the material for cutting by mounting this on a movable carriage 38.

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the cutter of Gustavsson as including a cutter assembly, which includes a cutter, motor and carriage. Providing such would allow the smooth, guided and quick cutting of the material perpendicular to the direction of feed of the material.

ALLOWABLE SUBJECT MATTER

Claims 3-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rovin illustrates a cloth feeding apparatus including an advancement means, a cutter and sewing both leading and trailing ends at the same time. Saotome et al. Illustrate a towel pulling/feeding apparatus including drawing a cloth material and cutting at the appropriate length. O'Neal et al. Illustrate a pillowcase forming apparatus including advancement means, cutting means and sewing means.

INQUIRIES

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0861.

Any inquiry concerning this communication or earlier communications directed to the examiner should be directed to Mr. Ismael Izaguirre at (703) 308-0892 located in CP2-4B18, Monday through Friday 9:30am to 6:00pm.

A handwritten signature in black ink, appearing to read 'Ismael Izaguirre', with a stylized flourish extending to the right.

**Ismael Izaguirre
Primary Examiner
Group Art Unit 3765**